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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JOSE BUENROSTRO, SR., et al.,

CASE NO. 009-00786 JSW

Plaintiffs,

**STIPULATION AND ~~PROPOSED~~ ORDER  
EXTENDING EXPERT DISCLOSURE AND  
DISCOVERY DEADLINE**

VS.

CITY OF OAKLAND, et al.

Defendants.

The parties to the above captioned litigation hereby stipulate and respectfully request, by and through their undersigned counsel, that the current expert disclosure deadline of February 2, 2010 and expert discovery cutoff date of March 4, 2010 be extended to March 2, 2010 and April 20, 2010 respectively. Good cause exists for the requested extension on the following grounds.

1 This action arises from the shooting death of a fourteen year old boy, Jose Buenrostro, Jr., on  
 2 March 19, 2008, by Oakland police officers. Plaintiffs, the Decedent's parents, sue for violation of  
 3 civil rights (42 U.S.C. section 1983) on the grounds that the shooting was unreasonable. Defendants  
 4 City of Oakland and three involved police officers claim that the shooting was justified.

5 The parties have been granted a 30-day extension of time to February 18, 2010 to complete  
 6 the depositions of certain non-party witnesses. The current expert disclosure date requires the parties  
 7 to disclose expert reports before they have completed the depositions of lay witnesses, some of whom  
 8 may have information crucial to the assessment of whether or not the shooting was justified.  
 9 Therefore, the parties expert reports would not be complete to the extent that the experts will not have  
 10 had the benefit of reviewing the testimony of all potential fact witnesses.  
 11

12 Additionally, the parties would like to attempt to settle this matter prior to assuming the costs  
 13 of expert depositions. Mediation is currently scheduled to take place on March 22, 2010.

14 The requested extension of time would enhance the prospects of settlement by allowing the  
 15 parties to have the benefit of complete expert reports without having to assume the costs expert  
 16 depositions prior to mediation. No parties will be prejudiced by the extension. Nor would the pretrial  
 17 or trial dates set by the court in this action need to be modified.

18  
 19 Dated: January 28, 2010

LAW OFFICE OF JOHN L. BURRIS

21 /s/ Steven R. Yourke  
 22 Steven R. Yourke  
 23 John L. Burris  
 Attorney's for Plaintiffs

24 Dated: January 28, 2010

OAKLAND CITY ATTORNEY

26 /s/ Jennifer Logue  
 27 Jennifer Logue,  
 Deputy City Attorney  
 Attorney for All Defendants  
 28

**ORDER**

**IT IS HEREBY ORDERED** that the parties request to extend the deadline for expert disclosures to March 2, 2010 and the expert discovery cutoff date to April 20, 2010 is GRANTED.

IT IS SO ORDERED.

Dated: January 29, 2010

  
JUDGE OF THE DISTRICT COURT